

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MARCH 3, 2015, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

Absent: Council Member Ward

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville Police Officers Association and Porterville City Firefighters Association.

2- Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases in which facts are not yet known to potential plaintiff.

3- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

**6:30 P.M. RECONVENE OPEN SESSION AND
REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew reported that there was no reportable action.

Pledge of Allegiance Led by Council Member Reyes

Invocation – a moment of silence was observed.

PRESENTATIONS

Badge Pinning of Police Chief Eric Kroutil

16th Annual Tulare County Spelling Championship Recognition

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Consolidated Waste Management Authority (CWMA): February 19, 2015
Council Member Reyes reported on discussion regarding the recycling of food scraps, and approval of a fee of \$15 for each mattress and box springs.
2. Tulare County Economic Development Corp. (TCEDC): February 25, 2015
Council Member Reyes announced an upcoming Valley Economic Summit on May 15, 2015, at the Visalia Convention Center, and reported on discussion regarding the Porterville Unified School District's workforce improvement plans.
3. Council of Cities: February 24, 2015
Vice Mayor Hamilton reported on a presentation given by the State Groundwater Management Authority; and questioned the examples and objectives of the model proposed by the State.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings:
 - 1. Parks & Leisure Services Commission – none.
 - 2. Library & Literacy Commission – none.
 - 3. Arts Commission: February 25, 2015 – none.
 - 4. Animal Control Commission: March 2, 2015 – none.
 - 5. Youth Commission – none.
 - 6. Transactions and Use Tax Oversight Committee (TUTOC) – none.

ORAL COMMUNICATIONS

- Austin Slater, apologized for unprofessional remarks at a previous City Council Meeting, specifically jokes made at Vice Mayor Hamilton’s expense; and spoke of how funding for the Veterans Resource Center comes primarily from businesses and organizations, rather than from Porterville College.
- Jeff Szeles, spoke about the upcoming Bark for Life and Relay for Life events on the City Council agenda, and extended invitations to both events.
- Richard Hatfield, spoke regarding Item No. 13, and commended staff for compiling the data provided in the staff report.
- Barry Caplan, spoke of concerns regarding stray dog and cat populations.

CONSENT CALENDAR

Item 4 was pulled at the request of staff.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes, that the City Council approve Item Nos. 1 through 3, and 5 through 10.

AYES: Reyes, Gurrola, Hamilton, Stowe
 NOES: None
 ABSTAIN: None
 ABSENT: Ward

- 1. CITY COUNCIL MINUTES OF JUNE 17, 2014, AND FEBRUARY 3, 2015

Recommendation: That the City Council approve the Minutes of June 17, 2014, and February 3, 2015.

Documentation: M.O. 01-030315

Disposition: Approved.

- 2. AUTHORIZATION TO ADVERTISE FOR BIDS-FARE COLLECTION SYSTEM

Recommendation: That the City Council approve staff’s recommended Plans and Project Manual, and authorize staff to advertise for bids for the Fare Collection System.

Documentation: M.O. 02-030315
Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS-AUTOMATIC PASSENGER COUNTING SYSTEM

Recommendation: That the City Council approve staff's recommended Plans and Project Manual, and authorize staff to advertise for bids for the purchase of software and hardware equipment required to install Automatic Passenger Counting systems on all fixed route vehicles.

Documentation: M.O. 03-030315
Disposition: Approved.

4. AWARD OF CONTRACT – TRANSIT MAINTENANCE & CNG FUELING FACILITY EXPANSION PROJECT

Recommendation: That City Council:

1. Award the Transit Maintenance & CNG Fueling Facility Expansion Project to Lee's Paving in the amount of \$2,183,212.75;
2. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control, inspection services, and construction surveying;
3. Re-affirm the \$300,000 Solid Waste Fund appropriation;
4. Authorize the Finance Director to appropriate an additional \$100,000 from Solid Waste Funds and \$189,467 from the Local Transportation Fund;
5. Authorize progress payments up to 100% of the contract amount; and
6. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: None.
Disposition: No action. Item pulled by staff.

5. AWARD OF CONTRACT – WASHER GRINDER EQUIPMENT REPLACEMENT PROJECT

Recommendation: That the City Council:

1. Award the Washer Grinder Equipment Replacement Project to Smith Construction Company, Inc. in the amount of \$170,917;
2. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control, and inspection services; and
3. Authorize progress payments up to 95% of the contract amount.

Documentation: M.O. 04-030315
Disposition: Approved.

6. ACCEPTANCE OF PROJECT – MISCELLANEOUS CONCRETE AND STREET REPAIR PROJECT (PUTNAM ALLEY BETWEEN D STREET AND HOCKETT STREET AND SECOND STREET BETWEEN MILL AVENUE AND OAK AVENUE)

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 05-030315
Disposition: Approved.

7. AUTHORIZATION TO AMEND AECOM'S SERVICE AGREEMENT FOR THE SLUDGE DEWATERING AND ELECTRIC BLOWERS PROJECT

Recommendation: That the City Council:

1. Approve a \$10,000 augmentation to the AECOM's "Electric Blower & Screw Press" design to contract for the purpose of designing upgrades to the Blower Room electrical panel; and
2. Approve an amendment to AECOM's service agreement in an amount "not to exceed" \$65,000 for construction support services during the bid and construction of the "Sludge Dewatering and Electric Blowers" Project.

Documentation: M.O. 06-030315
Disposition: Approved

8. RATIFICATION OF EMERGENCY EXPENDITURE – REPAIR OF ROWLAND WELL #11

Recommendation: That the City Council:

1. Ratify that the emergency repair of Rowland Well #11 was necessary and met the emergency criteria as promulgated in Article VII, Section 2-38 of the City Code;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$14,000; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoices approved by the Public Works Director.

Documentation: M.O. 07-030315
Disposition: Approved

9. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE BREAKFAST ROTARY – CANCER RUN – MAY 2, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in the Application.

Documentation: M.O. 08-030315

Disposition: Approved

10. APPROVAL FOR COMMUNITY CIVIC EVENT – AMERICAN CANCER SOCIETY – BARK FOR LIFE – MARCH 14, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the American Cancer Society, subject to the Restrictions and Requirements contained in the Application.

Documentation: M.O. 09-030315

Disposition: Approved

PUBLIC HEARINGS

11. REQUEST FOR A CONDITIONAL USE PERMIT (PRC 2014-033-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE FOR A BONA-FIDE PUBLIC EATING PLACE FOR LOS PORTALES LOCATED AT 377 E. ORANGE AVENUE

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2014-033-C) subject to conditions of approval.

City Manager Lollis introduced the item, and the staff report was presented by Jenni Byers, Acting Community Development Director.

The Mayor opened the Public Hearing at 7:01 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:02 p.m.

- Rudy Luquin, Planning Technician, translated for the applicant, who indicated she would meet all conditions of approval.

A discussion followed regarding the serving of alcohol, parking requirements, and security from the alley access. Ms. Byers clarified that the current request was to serve alcohol inside the restaurant, but noted that the applicant had expressed an interest in coming back for approval to serve outside in the future.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2014-033-C) subject to conditions of approval.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: None
ABSENT: Ward

Documentation: Resolution No. 25-2015
Disposition: Approved.

SECOND READINGS

12. SECOND READING – ORDINANCE 1821, APPROVING A ZONE CHANGE FROM CR (RETAIL CENTERS) TO PS (PUBLIC AND SEMI-PUBLIC) FOR THAT 4.6± ACRE SITE DESCRIBED HEREIN GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST NORTH GRAND AVENUE AND STATE ROUTE 65

Recommendation: That the Council give Second Reading to Ordinance No. 1821, waive further reading, and adopt said Ordinance.

The City Manager introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton, that the City Council give Second Reading to Ordinance No. 1821, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2014-033-C) FROM CR (RETAIL CENTERS) TO PS (PUBLIC AND SEMI-PUBLIC) FOR THAT 4.6±4.6 ACRE SITE DESCRIBED HEREIN GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST NORTH GRAND AVENUE AND STATE ROUTE 65.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: None
ABSENT: Ward

The ordinance was read by title only.

Documentation: Ordinance No. 1821
Disposition: Approved.

SCHEDULED MATTERS

13. ASSISTANCE OPTIONS RELATED TO PROVISION OF WATER WITHIN COUNTY ISLANDS

Recommendation: That the City Council consider the concepts outlined in the staff report and provide direction to staff.

The City Manager introduced the item, and then noted a potential conflict of interest with regard to real property. City Attorney Lew added that the Mayor and Acting Community Development Director had similar conflicts in that they lived within 500 feet of a proposed island. The three individuals recused themselves and exited Council chambers.

Community Development Project Manager Julie Philips presented the staff report.

A discussion ensued regarding the provision of services in disadvantaged areas, the fees associated with the proposed annexation, costs for infrastructure, potential revenues, and the options presented by staff.

Fire Chief Glenn Irish and Police Chief Eric Kroutil addressed questions from the Council regarding the potential impact on police and fire services. Vice Mayor Hamilton suggested the Utility Users Tax revenue derived from the annexation of the proposed islands be used for the provision of public safety services.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes, that the City Council approve proceeding with the City funded annexation, and authorizing the resulting Utility Users Tax revenue be designated for the provision of public safety.

AYES: Reyes, Gurrola, Hamilton
NOES: None
ABSTAIN: Stowe
ABSENT: Ward

Documentation: M.O. 10-030315
Disposition: Approved

The Council took a five minute break at 7:30 p.m.

14. GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

City Manager Lollis introduced the item and presented the staff report.

Vice Mayor Hamilton stated that the Tulare County Board of Supervisors had not taken any action, as requested by the City, and noted the cancellation of their last meeting. He then made a motion to stop delivering water to East Porterville until the Board of Supervisors takes the necessary action to provide water to its residents. The motion died for lack of a second.

Council Member Gurrola voiced frustration regarding the County's lack of concern and commitment to providing water to East Porterville residents.

A discussion ensued about funding committed by the State, grant funding being sought by the County, and the City's request for a commitment from the County to fund 25% of the costs should the USDA grant application be unsuccessful.

The Council agreed that they could not continue the current arrangement if the Board of Supervisors did not act within one week's time, and complete funding of a well was committed.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Gurrola, that the City cease operations if action is not taken at the next County Meeting on March 10, 2015, to secure funding of 25% in the event the USDA Grant is not awarded.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: None
ABSENT: Ward

Documentation: M.O. 11-030315
Disposition: Approved

ORAL COMMUNICATIONS

- Brock Neeley, thanked city representatives for speaking in Sacramento regarding the drought issue.
- Fred Beltran, Porterville Area Coordinating Council, stated that the cancellation of the County Supervisor's meeting was shameful and evidence that the water issue was not their priority, and expressed support for the City and their efforts.
- Elva Beltran, Porterville Area Coordinating Council, spoke of banners purchased by PACC to inform residents of resources, East Porterville residents not having luck getting through to county agencies, and the absence of District Five Supervisor Mike Ennis at the hearing in Sacramento.
- Barry Caplan, requested additional information about the trip to Sacramento.
- Austin Slater, commended the City for their efforts pertaining to the water issue; and spoke of the ASPC's efforts.

OTHER MATTERS

- Council Member Gurrola, thanked the individuals who spoke in Sacramento about the water shortage and expressed empathy for the effects on families.
- Vice Mayor Hamilton, spoke of the absence of Tulare County Supervisor, Mike Ennis, from the trip to Sacramento to discuss the water crisis, and Ishida's comment regarding incentivizing for cities.
- Council Member Reyes, spoke of the recent Tulare County Scholarship Pageant, its local participants, and the upcoming race season.
- Mayor Stowe, spoke of upcoming Bark for Life and Relay for Life events; thanked the PACC and volunteers who are helping families without water; mentioned the emotionally stirring testimonies given in Sacramento by the families affected by the water shortage; and thanked the ASPC for adopting Alta Vista School.
- Vice Mayor Hamilton, expressed regret for not being able to attend this year's City of Hope.

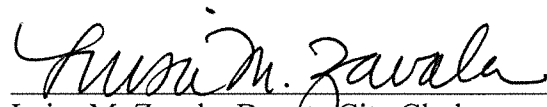
- Mayor Stowe, spoke of the Porterville Hall of Fame, the upcoming Brewfest, and Chamber Auction.
- City Manager Lollis, mentioned the Public Safety Dinner recognizing Officer Gary Miller and Firefighter Christopher Pisani, and spoke of the swearing in of Porterville Police Officers in the morning on March 17th by Chief Eric Kroutil.

CLOSED SESSION

None

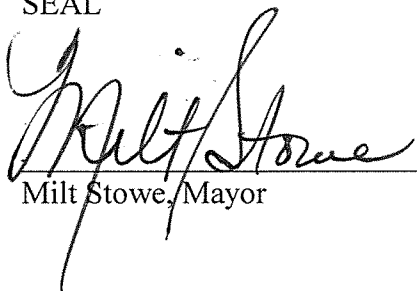
ADJOURNMENT

The Council adjourned at 8:14 p.m. to the meeting of March 17, 2015.



Luisa M. Zavala, Deputy City Clerk

SEAL



Milt Stowe, Mayor

